

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORKDHF
dm

In re Holocaust Victim Assets Litigation

Docket No. 04-CV-01786 (FB)

DB

~~Proposed~~ Confidentiality Order

Block, Judge:

Certain aspects of the deposited assets claims process specifically described in a Memorandum to File dated June 10, 2004, which Settling Plaintiffs and Settling Defendants have signed and the Court simultaneously herewith has approved (the "MtF"), may be carried out at a CRT II facility to be established in New York City in accordance with the terms of the MtF and this Order. The steps specified in the MtF will be performed, under the direction of the Court, by CRT II claims officials and by Special Masters. The CRT II has entered into a services agreement with the Conference on Jewish Material Claims Against Germany, Inc. (the "Claims Conference") to provide technical services to it in connection with the operation of the contemplated New York City CRT II facility; as in the past, the CRT II may designate certain Claims Conference employees to act as deposited assets claims officials.

It accordingly is hereby Ordered that:

1. This Order shall apply equally to Claims Conference personnel, CRT II personnel, and any other claims officials, Special Masters, or persons acting under the supervision or auspices of the Court. All persons subject to this Order shall comply with it and with the MtF, including the confidentiality provisions of MtF Appendix A. Violations of this Order or of the MtF are punishable as criminal contempt of court or otherwise.

2. The Claims Conference will, to the reasonable satisfaction of Settling Defendants, establish and maintain a secure work space for the New York City CRT II facility, including without limitation computer terminals capable of communicating in a secure fashion with and processing information from computer terminals located in the Zurich CRT II facility in accordance with the MtF. Safeguards acceptable to the Settling Defendants and the Court will be instituted in the New York City CRT II facility to assure that information transmitted thereto pursuant to the MtF may not be transmitted elsewhere, downloaded, stored or printed at the New York City CRT II facility (equipment at the facility may have the capability to print awards and correspondence as long as no information from the Zurich CRT II facility is printed). Once personnel in the New York City CRT II facility have completed investigating claims from Deposited Assets Class members, all information transmitted from the Zurich CRT II facility to the New York City CRT II facility in accordance with the MtF that is related to, or has been reviewed in connection with, those claims shall be permanently erased. No copies or summaries of any such information may be retained in any form or medium in the New York City CRT II facility or otherwise outside Switzerland.

3. No use whatsoever may be made of any information transmitted from the Zurich CRT II facility to the New York City CRT II facility other than the processing, as specifically described in the MtF, of claims duly submitted to the Court by Deposited Asset Class members.

4. All activity involving the Total Accounts Databases or information drawn from or identified on the basis of the Total Accounts Databases, as specified in the MtF will be carried out exclusively in Switzerland.

5. All persons subject to this Order shall comply with all relevant provisions of Swiss law governing confidentiality and privacy, and it is the obligation of the Special Masters, the CRT II, and the Claims Conference to inform all relevant personnel about relevant Swiss law.

6. No person other than specifically designated claims officials, Special Masters, and the Court may have access to any information transmitted pursuant to the MtF to the New York City CRT II facility.

7. All persons who have access to any information transmitted pursuant to the MtF to the New York City CRT II facility shall execute a confidentiality agreement acceptable to the Settling Defendants and the Court, and an acknowledgment that they have read, understand, and will comply with the MtF and this Order, and will not use any information transmitted to the New York City CRT II facility in any manner or for any purpose except in accordance with the MtF and this Order, and, further, that they understand that any violation of the MtF or this Order may be punished as a criminal contempt of court or otherwise.

Dated: Brooklyn, New York
June 4, 2004

United States District Court
Southern District of New York